

**COUNTY OF SAN DIEGO, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

**Subject**

Legislative Policy: Workers Compensation and Unemployment Insurance

**Policy  
Number**

M-21

**Page**

1 of 2

**Purpose**

To establish the Board of Supervisors' legislative policy regarding the Workers' Compensation system and the Unemployment Insurance Program, and to provide guidance to the County's legislative representatives when advocating the County's interests to legislators, other elected officials and policy makers.

**Background**

The State laws relating to Workers' Compensation were significantly changed by reform legislation in 1989 and 1993. The intent of these measures was to reduce costs and litigation while providing for a high level of benefits to injured workers. However, areas such as medical expenses, excessive paperwork and litigation had not been adequately controlled under the reform measures. Despite these measures, workers' compensation costs continued to skyrocket and the County sought to ensure that its rights as well as those of its employees were protected through appropriate legislation.

In 2004, Governor Schwarzenegger and the State Legislature enacted additional workers' compensation reform measures. The major provisions of these reform efforts included changes to the medical network, disability cap, return to work provisions, permanent disability schedules, apportionment, procedures for challenging medical evidence and utilization medical review standards.

In 1978, liability for Unemployment Compensation was mandated on San Diego County (and all public agencies) by Legislative Act. The County controls, investigates, challenges and litigates its claims through a Reimbursable Financing Plan with the State of California. The State, in turn, issues claims payments, billing the County on a quarterly basis.

**Policy**

The legislative policy of the Board of Supervisors regarding Workers' Compensation and Unemployment Insurance Liabilities is to:

1. Oppose legislation that would unnecessarily increase the liability of the County of San Diego for Workers' Compensation.
2. Support legislation that would streamline controls and regulations and oppose legislation that would impose additional State administrative controls and regulations.
3. Oppose legislation that would not provide for Senate Bill 90 reimbursement to local governments for mandated cost increases.

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**Page**

2 of 2

4. Support legislation that would encourage efforts to change the basic interpretation of the Workers' Compensation laws from the present system that favors the employee/applicant to that of a charge to resolve disputes in the interests of equity and fairness to the employee and the employer, with the focus on returning injured employees to work as soon as possible.

5. Support legislation that would amend the Government and Labor Codes to coordinate benefits between the disability retirement system and the Workers' Compensation system to eliminate duplicate payments between these systems, and inconsistent medical reporting.

**Responsible Departments**

Human Resources

Office of Strategy and Intergovernmental Affairs

**Sunset Date**

This policy will be reviewed for continuance by 12-31-11.

**References**

Board Action 2-16-78 (7)

Board Action 12-11-84 (31)

Board Action 12-15-87 (46)

Board Action 8-8-89 (34)

Board Action 10-31-06 (14)